

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,)	
)	
Plaintiff,)	
)	
vs.)	
)	
CDW CORPORATION,)	
NEWEGG INC.,)	Case No. 6:07-cv-00511-LED
REDCATS USA, INC.,)	
SYSTEMAX INC.,)	
ZAPPOS.COM, INC.,)	
REDCATS USA, L.P.,)	
THE SPORTSMAN'S GUIDE, INC., AND)	
TIGERDIRECT, INC.,)	
)	
Defendants.)	
)	

UNOPPOSED MOTION TO AMEND THE DOCKET CONTROL ORDER

Defendants CDW Corporation, Newegg, Inc. and Zappos.com, Inc. (collectively, "Defendants") hereby move the Court to amend the Docket Control Order (Docket No. 87) dated February 22, 2008 as follows. A copy of an Amended Docket Control Order reflecting these agreements is attached as Exhibit A for the Court's convenience.

1. In brief, the parties have agreed to extend by thirty (30) days the dates for disclosures under Local Patent Rules 3-3 and 3-4 and the exchange of proposed claim terms for construction under Patent Rule 4-1. Discovery presently does not close in this case until August 31, 2009. Trial is not scheduled in this matter until February 8, 2010. The proposed amendments to the existing Docket Control Order will not affect these or any other dates set by the Court.

2. Plaintiff Soverain has agreed to extend by thirty (30) days the date by which Defendants are to (1) serve Invalidity Contentions under P.R. 3-3; (2) produce documents under P.R. 3-4; (3) join additional parties without leave of Court; (4) assert any counterclaims without leave of Court and (5) add any inequitable conduct allegations to pleadings without leave of Court.

3. The current deadline established by the Docket Control Order for these events is June 20, 2008. Soverain has agreed to a request to extend that date to July 21, 2008.

4. Notwithstanding this extension, Defendants have agreed to begin a rolling production of documents called for under P.R. 3-4(a), and accordingly, the requested extension should not serve to delay the proceedings. Defendants and Soverain have further agreed to conclude negotiations regarding an appropriate proposed protective order for document production by or before June 30, 2008.

5. Defendants have agreed to Soverain's request for an extension of time to exchange proposed terms and claim elements for construction under P.R. 4-1. The current deadline established by the Docket Control Order for that event is July 24, 2008. The parties have agreed to extend that date to August 22, 2008.¹

6. Submitted herewith as Exhibit A is a proposed Amended Docket Control Order reflecting the requested extensions of time.

7. This Motion is submitted in good faith and not for the purpose of delay, and, as noted, the parties do not expect that the requested extensions of time shall in any way effect any other dates in the Court's current Docket Control Order or the present trial date in this matter.

¹ Defendant Systemax has recently filed a similar motion with respect to these agreements. (Docket No. 120). However, Soverain has pointed out that Systemax's request inadvertently omitted reference of the adjustment to the date for exchanging claim terms for construction. (Docket No. 121). The present joint motion corrects this omission.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that the Court:

(a) amend the Docket Control Order to extend to July 21, 2008 the date by which the Defendants are to: (1) serve Invalidity Contentions under P.R. 3-3; (2) produce documents under P.R. 3-4; (3) join additional parties without leave of Court; (4) assert any counterclaims without leave of Court and (5) add any inequitable conduct allegations to pleadings without leave of Court; and

(b) amend the Docket Control Order to extend to August 22, 2008 the date by which the parties are to exchange proposed terms and claim elements for construction under P.R. 4-1.

Respectfully submitted,

Dated: June 21, 2008

By: /s/ Thomas L. Duston

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Newegg, Inc. and Zappos.com, Inc.

CERTIFICATE OF SERVICE

I herby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on the above date. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ Thomas L. Duston